

PATENT
454313-2280.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Rijsewijk et al.
 Serial No. : 10/077,489
 Filed : February 15, 2002
 Title : BOVINE POLYNUCLEOTIDE VACCINE FOR
THE INTRADERMAL ROUTE
 Group Art Unit : 1632
 Examiner : A.M.S. Wehbé

745 Fifth Avenue, New York, NY 10151

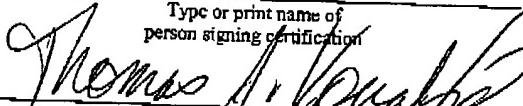
EXPEDITED PROCEDURE
RESPONSE AFTER FINAL ACTION
UNDER 37 C.F.R. 1.116

FACSIMILE

I hereby certify that this paper is being facsimile transmitted to the
Patent and Trademark Office on the date shown below.

Thomas J. Kowalski Reg. No. 32,147

Type or print name of
person signing certification


Signature

July 17, 2003

Date of Signature

TERMINAL DISCLAIMER

Commissioner for Patents
Mail Stop AF
P.O. Box 1450
Arlington, VA 22313-1450

Dear Sir:

This is in further response to the Office Action dated March 26, 2003, with an
Amendment and Request For Extension of Time filed herewith.

I, Thomas J. Kowalski, declare that I am an attorney in the record of this application and
that I am authorized to execute terminal disclaimers on behalf of Merial and ID-DLO Institute
for Animal Science and Health, the assignees of the above-captioned application ("the present
application") and U.S. Patent No. 6,451,770 ("the '770 patent");

That Merial has a place of business at 17 rue Bourgelat 69002, Lyon, France;

08/12/2003 DJACOBS 00000003 500320 10077489

01 FC:1814

110.00 DA

PATENT
454313-2280.1

That ID-DLO Institute for Animal Science and Health has a place of business at Edelhertweg 15, NL-8200 AB Lylstad, Netherlands;

That Merial and ID-DLO Institute for Animal Science and Health are the assignees of the entire right, title and interest in, to and under the present application, U.S. Application Serial No. 09/596,479, as a divisional of U.S. Application Serial No. 09/232,469, filed July 15, 1999, now U.S. Patent No. 6,451,770, by virtue of the assignment from the inventors as set out at Reel 010082 and Frame 0321, where said assignment was recorded at the U.S. Patent and Trademark Office on July 7, 1999;

That Merial and ID-DLO Institute for Animal Science and Health hereby disclaim the terminal part of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of the '770 patent;

That Merial and ID-DLO Institute for Animal Science and Health hereby agree that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '770 patent, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns;

That no terminal part of any patent granted on the present application is disclaimed prior to the full statutory term of the '770 patent, in the event that said '770 patent earlier expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above;

In accordance with 37 C.F.R. § 3.73(b), the undersigned attorney of record, empowered to sign this Statement on behalf of the assignees, states that Merial and ID-DLO Institute for Animal Science and Health are the assignees of the entire right, title and interest in the patent and patent application identified above (the '770 patent and the present application) by virtue of the assignment identified above.

And thus, that the undersigned has reviewed documents in the chain of title of the patent and patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignees identified above.

PATENT
454313-2280.1

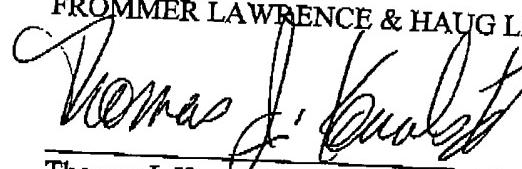
Reconsideration and withdrawal of the double patenting rejection are respectfully requested and consideration, entry and recordation of this Terminal Disclaimer are also earnestly solicited, with any fee therefor or any overpayment in such fees, to be charged or credited to Deposit Account No. 50-0320.

It is also noted that this paper is being provided merely to expedite prosecution and is presented without admission, without prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:



Thomas J. Kowalski
Reg. No. 32,147
Tel 212-588-0800
Fax 212-588-0500